

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CT-3223-FL

JEREMY ANTHONY JONES,)
)
Plaintiff,)
)
v.) ORDER
)
DR. RICHARD BROADWELL AND)
DR. WALLACE,)
)
Defendants.)

The action is before the court on plaintiff's motion to amend (DE #44) and motion to compel (DE #45). Defendant Dr. Richard Broadwell responded to plaintiff's motion to compel, but did not respond to the motion to amend. In this posture, the matters are ripe for adjudication.

Plaintiff requires leave of court to amend his complaint to include defendant K. Hull as a defendant in this action. See Fed.R.Civ.P. 15(a). "In the absence of any apparent or declared reason--such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.--the leave sought should, as the rules require, be 'freely given.' " Foman v. Davis, 371 U.S. 178, 182 (1962). For good cause shown, plaintiff's motion to amend is GRANTED.

The court next turns to plaintiff's motion to compel discovery. Plaintiff's motion to compel fails to comply with Federal Rule of Civil Procedure 37(a) and Local Rule 7.1(c) of the Local Rules of Practice and Procedure, which require that the movant certify that there has been a good faith

effort to resolve discovery disputes prior to the filing of any discovery motions. Thus, plaintiff's motion is DENIED as premature.

In summary, plaintiff's motion to amend (DE # 44) is GRANTED, and the Clerk of Court is DIRECTED to add Mr.K Hull as a defendant in this action. Plaintiff's motion to compel (DE # 45) is DENIED as premature.

SO ORDERED, this the 6th day of December, 2012.



LOUISE W. FLANAGAN
United States District Judge